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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/057,313	04/08/98	MCCOWN J	033449-002

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EXAMINER	
MCALLISTER, S	
ART UNIT	**PAPER NUMBER**
3652	10

DATE MAILED: 06/28/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.	Applicant(s)
09/057,313	McCown et al
Examiner	**Group Art Unit**
Steven B. McAllister	3652

☐ Responsive to communication(s) filed on _____ .

☒ This action is **FINAL.**

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) *16-19 and 21-28* is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) *16-19 and 21-28* is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐approved ☐disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____ .

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____ .

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 16, 22, and 23 are rejected under 35 U.S.C. 102(b) as anticipated by Ikuta or, in the alternative, under 35 U.S.C. 103(a) as obvious over Ikuta in view of Freeman.

Regarding the 102(b) rejection, the use of the apparatus of Ikuta inherently discloses selecting containers 3 for a marine environment; lifting and transporting them over a ramp (see Figs. 1 and 3); positioning the containers by use of the vehicle (Fig. 1); securing the containers (see tie-downs 5 and English abstract).

As to claim 22, the use of the apparatus of Ikuta inherently discloses selecting containers 3 for a marine environment; lifting and transporting them over a ramp (see Figs. 1 and 3); positioning the containers in a desired location on the associated dock.

As to claim 23, the use of the apparatus of Ikuta inherently discloses securing a ramp to a longitudinal rail 24 on the ship prior to the lifting step (see Figs. 1 and 3).

Regarding the 103(a) rejection of claims, Ikuta discloses all elements of claim 16 (as discussed above) except a ramp. Freeman discloses the use of a ramp 24 in loading a vessel. It

would have been obvious to one of ordinary skill in the art to modify the method of loading of Ikuta by using a ramp as taught by Freeman to allow easier adjustment to docks of varying heights.

Regarding claims 22 and 23, Ikuta discloses all elements of the claims (as discussed above) except a ramp. Freeman discloses the use of a ramp 24 in loading a vessel. It would have been obvious to one of ordinary skill in the art to modify the method of unloading of Ikuta by using a ramp as taught by Freeman to allow easier adjustment to docks of varying heights.

3. Claims 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ikuta in view of Backteman et al.

Ikuta discloses all elements of the claims as discussed in paragraph 5, except the use of twistlocks. Backteman et al discloses the use of twistlocks. It would have been obvious to one of ordinary skill in the art to modify the method of Ikuta by using the twistlocks of Backteman et al in order to allow quicker and easier connections due to the automatic rotating of the twistlocks under load.

4. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ikuta in view of Backteman et al as applied to claims 17-19 above, and further in view of Slater.

Ikuta in view of Backteman et al disclose all elements of the claim except towing the vessel to a destination and using a reach stacker vehicle to unload the vessel. However, it is well known in the art to tow a vessel to a destination. It would have been obvious to one of ordinary

skill in the art to tow the vehicle to the destination in order to reduce the cost of the cargo-carrying barge. Also, Slater discloses the use of a reach stacker vehicle 16 to unload the vessel. It would have been obvious to one of ordinary skill in the art to modify the load handling method of Ikuta by using a reach stacker to unload cargo as taught by Slater in order to enable routing of specific containers to specific destinations and to enable the handling of the stacked cargo.

5. Claims 16, and 25-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ikuta in view of Allegri et al ~~and Backteman et al~~. SBM

Ikuta shows a plurality of shipping containers 3; lifting a container by means of a vehicle 4; and moving the vehicle of a ramp to a storage deck; and positioning a container at a desired position (see English abstract and Fig. 1); and securing the container. Ikuta does not disclose lifting, moving, and positioning for each individual container, or towing the ship. Allegri et al disclose moving lifting by grasping, moving and positioning and releasing each individual container 67 separately. It would have been obvious to one of ordinary skill in the art to modify the method of Ikuta by moving the containers individually in order to reduce the number of vehicles needed for loading and to allow the vehicles to be dedicated to a port area rather than traveling with the load. Towing of a cargo ship or barge is well known in the art. It would have been obvious to one of ordinary skill in the art to modify the method of Ikuta by providing for towing of the vehicle in order reduce the cost of the cargo vessel.

As to claim 21, it is noted that Ikuta discloses unloading (English abstract).

As to claim 26, it is noted that Allegri et al discloses the step of releasing the container.

Response to Arguments

6. Applicant's arguments filed on 4/10/2000 have been fully considered but they are not persuasive.

With respect to applicant's argument that the containers of Ikuta are not transported by means of a vehicles ("Remarks" para. 3), the containers are placed on a driven vehicle which the applicant here refers to as a pallet. The vehicle lifts the containers and transports them on the vessel (see English Abstract of Ikuta).

With respect to applicant's argument that the containers are not secured to the "deck at said locations" ("Remarks" para. 4), as broadly claimed, the containers are secured to the deck via the vehicle. An interpretation of the claim language requiring the containers to be fastened directly to the deck fails since only some containers in the disclosure are secured directly to the deck. Most containers are secured to other containers. Such a reading is not enabled by the specification.

With respect to applicant's argument that Ikuta does not show lifting, transporting and placing the containers on the dock ("Remarks" para. 5), Ikuta discloses the method used both for loading and unloading (see English abstract).

With respect to applicant's arguments of paragraphs 7-9, it is noted that Freeman is used only to teach the use of a ramp.

With respect to applicant's argument that Ikuta does not disclose arranging containers in vertical stacks on the decks (paragraph 10), as broadly claimed, the positioning step does include the step of arranging the containers in vertical stacks on the deck. As the containers are positioned on the deck, vertical stacks of containers are arranged on the deck. The claim does not state that containers are individually stacked on the deck to form stacks.

With respect to applicant's argument of paragraph 12 that reach stacker is not disclosed by Slater, it is noted that the term "reach stacker" is not an accepted term of art. In a search through Japanese, European, and US patent databases, the "long reach stacker" was found only once (DE19843871) to describe a similar vehicle, but the term "reach stacker" was never found to describe such a vehicle. The vehicle disclosed in Slater is capable of both a reaching function and a stacking function, reasonably fulfilling the requirements of a "reach stacker".

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven B. McAllister whose telephone number is (703) 308-7052.

6/1/00

ROBERT P. OLSZEWSKI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

Steven B. McAllister

June 1, 2000